

441.053 Required use of the Department of Corrections' pharmacy plan and medical, dental, and psychological care access plan -- Waivers -- Appeal.

- (1) Except as provided in subsection (2) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract pharmacy plan.
- (2) The Department of Corrections may, on a yearly basis, waive the requirement of subsection (1) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
 - (a) The prescription plan covers pharmacy services, drugs, and medicine in a manner which is equal to or superior to the Department of Corrections' contract pharmacy plan; and
 - (b) The cost of the prescription plan is less in cost than the Department of Corrections' contract pharmacy plan.
- (3) Except as provided in subsection (4) of this section, each jail, regional jail, holdover, or other correctional facility owned or operated by a unit of local government, combination of units of local government, or regional jail authority shall utilize the Department of Corrections' contract medical, dental, and psychological care access plan, and the administrative service fee for the plan shall be paid by the Department of Corrections subject to the limits of 2007 Ky. Acts ch. 128, sec. 5.
- (4) The Department of Corrections may, on a yearly basis, waive the requirement of subsection (3) of this section if the unit of local government, combination of units of local government, or regional jail authority proves to the Department of Corrections that the unit of local government, combination of units of local government, or regional jail authority has contracted with another vendor and that:
 - (a) The medical, dental, and psychological care access plan provides services and access which is equal to or superior to the Department of Corrections' contract medical, dental, and psychological care access plan; and
 - (b) The cost of the medical, dental, and psychological care access plan is less in cost than the Department of Corrections' contract medical, dental, and psychological care access plan.
- (5) A unit of local government, combination of units of local government, or regional jail authority may appeal a decision of the Department of Corrections denying a waiver under subsection (2) or (4) of this section to the secretary of justice and public safety.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 128, sec. 4, effective June 26, 2007.

Legislative Research Commission Note (6/26/07). 2007 Ky. Acts chs. 24, 47, and 85 instruct the Reviser of Statutes to correct statutory references to agencies and officers

whose names have been changed in 2007 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.